

## IN THE SUPREME COURT OF CALIFORNIA

THE PEOPLE,	)	
	)	
Plaintiff and Respondent,	)	
	)	S016081
v.	)	
	)	
MAUREEN MCDERMOTT,	)	Los Angeles County
	)	Super. Ct. No. A810541
Defendant and Appellant.	)	
_____	)	

THE COURT:

The opinion herein, filed August 12, 2002, appearing at 28 Cal.4th 946, is modified as follows:

1. Insert the following footnote at the end of the final paragraph on page 984: “Defendant further contends the trial court violated her statutory rights (see Code Civ. Proc., § 231, subd. (a); Pen. Code, § 1089) and her right to due process in allowing the prosecution two peremptory challenges and the defense only one during the selection of a replacement for Juror Fred L. At the time the court dismissed Fred L., defendant had exhausted her peremptory challenges and the prosecution had two remaining. The record thus establishes she received more than her statutory allotment and accordingly suffered no violation of rights. (Cf. *People v. Armendariz* (1984) 37 Cal.3d 573, 579-584 [reversible error in

failing to reopen jury selection and permit exercise of unused peremptory challenges].)”

This modification does not affect the judgment.